

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America

v.

NEWSON, Joeray
xxx-xx-4046*Defendant***FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AUG 9 2019

MITCHELL R. ELFERS
CLERK

Case No.

19-MJ-2525

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

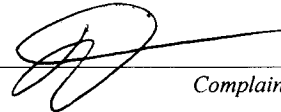
On or about the date of 08/07/2019 in the county of Bernalillo in the _____ District of
New Mexico, the defendant violated Title 18 U. S. C. § 922(g)(1)

, an offense described as follows:

On 08/07/2019, Joeray NEWSON, a convicted felon, unlawfully possessed a Springfield Armory, model XD-9, 9 x 19mm caliber pistol bearing serial number US832200 which contained ten (10) rounds of ammunition that has traveled in and affected interstate commerce in violation of Title 18 U.S.C 922(g)(1).

This criminal complaint is based on these facts:

See Attached


☒ Continued on the attached sheet.*Complainant's signature*

Derek Wright, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date:

9 
08/08/2019*Judge's signature*

City and state:

Albuquerque, New Mexico

Jenny H. Ritter U.S. Magistrate
Printed name and title
Judge

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Criminal Complaint - Continued.

United States of America

V.

NEWSON, Joeray

SSN: 4046

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been since August 2016. Prior to employment by the ATF your affiant spent approximately ten (10) years employed by the City of Albuquerque Police Department, four (4) of those years having been spent on the investigation of federal felony crimes as a Task Force Officer for the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
2. In this capacity, your Affiant investigates violations of federal criminal statutes, to include violation of federal firearms, explosives and arson laws, and has specifically investigated violations related to subjects who are found to be in possession of illegal and altered firearms, Hobbs Act robbery cases, Carjacking cases, and other cases involving violent crime. Your affiant has attended the Federal Law Enforcement Training Center where your affiant received training in multiple aspects related to firearms, arson and explosives.
3. The statements contained in this affidavit are based, in part, on information provided by Special Agents and Task Force Officers of the ATF and other law enforcement officers; on conversations held with police officers; and on my background and experience as a Special Agent with the ATF.
4. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

5. On August 7, 2019, Albuquerque Police Department (APD), New Mexico State Police (NMSP) Detectives and ATF Special Agents were working proactively in the southeast area command of the City of Albuquerque, County of Bernalillo, State of New Mexico. Detective A. Lovato observed Joeray NEWSON walking in the area of Chico NE and Pennsylvania NE. Det. Lovato observed Joeray Newson continue walking and speak with unknown individuals outside of the convenience store located at 7817 Central Ave NE, Albuquerque, NM 87108. Detective Lovato knew Joeray

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NEWSON from previous law enforcement contact and queried Joeray NEWSON through the National Crime Information Center (NCIC). Det. Lovato confirmed that Joeray NEWSON had an active warrant for his arrest. While observing Joeray NEWSON Det. Lovato observed the shape and impression of a firearm on Joeray NEWSON's right waist.

6. Detectives and Special Agents formulated a plan to contact Joeray NEWSON in the parking lot of the convenience store once Joeray NEWSON began to walk away. As Joeray NEWSON was walking east through the parking lot he was confronted by marked police officers. Joeray NEWSON was uncooperative with law enforcement's directives. Joeray NEWSON continued to disregard law enforcement commands to get on the ground and not to reach for the firearm. Sgt. A. Jones with the APD deployed his Taser, which struck Joeray NEWSON allowing Detectives to take Joeray NEWSON into custody.
7. Once Joeray NEWSON was in handcuffs he continued to be uncooperative with Detectives and struggled while Detectives were searching Joeray NEWSON incident to arrest. Detectives removed a firearm and holster from Joeray NEWSON's right waist as well as a wallet from his pocket, which contained a small amount of heroin and methamphetamine.
8. Joeray NEWSON was checked at the scene by Albuquerque Fire and Rescue and transported to the hospital for evaluation by Albuquerque Ambulance. Joeray NEWSON was subsequently treated and released from the hospital and transported to and booked into the Metropolitan Detention Center for his felony arrest warrant.
9. Your affiant conducted a criminal history query of Joeray NEWSON and found him to be convicted in at least one (1) case out of the Second Judicial District Attorney's Office, Bernalillo County, New Mexico in cause number; D-202-CR-201301288 for the crime of Receiving or Transferring a Stolen Motor Vehicle.
10. Your Affiant viewed the firearm removed from Joeray NEWSON, it was identified as a Springfield Armory, XD-9, 9 x 19mm caliber pistol bearing serial number US832200. The firearm contained a magazine, which had a capacity of 15 rounds. Your Affiant conducted a function check of the firearm and found it to function and fire as designed. The magazine was loaded with ten (10) rounds of ammunition. The ammunition was identified as nine (9) rounds of PMC brand ammunition and one (1) round of FC brand ammunition. Neither the firearm nor the ammunition are manufactured in the state of New Mexico therefore affecting interstate commerce. The firearm was queried through NCIC and found to be stolen out of Albuquerque on July 25, 2019.

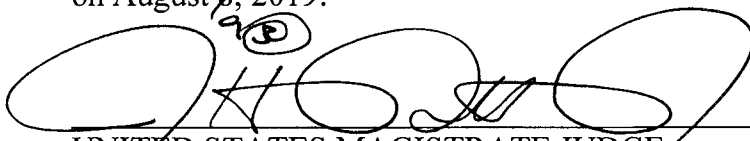
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11. Based on the aforementioned facts your affiant opines that there is probable cause to believe Joeray NEWSON, a convicted felon did possess a firearm in violation of Title 18 U.S.C. 922(g)(1).

Respectfully submitted,


Derek Wright
Special Agent
ATF

Subscribed and sworn to, before me
on August 8, 2019:


UNITED STATES MAGISTRATE JUDGE